

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 28**

**DOORDASH, INC.**

**and**

**Cases 28-CA-294475  
28-CA-304294**

**(b) (6), (b) (7)(C)**, an Individual

**ORDER CONSOLIDATING CASES, CONSOLIDATED  
COMPLAINT AND NOTICE OF HEARING**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, **IT IS ORDERED THAT** Cases 28-CA-294475 and 28-CA-304294, filed by **(b) (6), (b) (7)(C)**, an Individual, **(b) (6), (b) (7)(C)** against DoorDash, Inc. (Respondent) are consolidated. This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Board's Rules and Regulations, and alleges that Respondent has violated the Act as described below.

1. (a) The charge in Case 28-CA-294475 was filed by **(b) (6), (b) (7)(C)** on April 19, 2022, and a copy was served on Respondent by U.S. mail on April 22, 2022.

(b) The charge in Case 28-CA-304294 was filed by **(b) (6), (b) (7)(C)** on September 26, 2022, and a copy was served on Respondent by U.S. mail on September 29, 2022.

2. (a) At all material times, Respondent has been a Delaware Corporation with an office and place of business in Tempe, Arizona, and has been engaged in providing food and product delivery services.


(b) In conducting its operations during the 12-month period ending April 19, 2022, Respondent performed services valued in excess of \$50,000 in States other than the State of Arizona.

(c) In conducting its operations during the 12-month period ending April 19, 2022, Respondent derived gross revenues in excess of \$500,000.

(d) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

3. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act.

(b) (6), (b) (7)(C)



4. (a) The Service Desk Analysts group (the Union) is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, and terms and conditions of employment.

(b) At all material times, based on the facts described above in paragraph 4(a), the Union has been a labor organization within the meaning of Section 2(5) of the Act.

5. (a) During the period from about December 2021 through (b) (6), (b) (7)(C), 2022, Respondent's employee (b) (6), (b) (7)(C) engaged in concerted activities with other employees for the purposes of mutual aid and protection and concertedly complained to Respondent regarding the wages, hours and working conditions of Respondent's employees by raising concerns with other employees and Respondent about supervisors' communication and treatment of employees, employee workloads, work duties and assignments, wages, and other terms and conditions of employment.

(b) On a date in or around late (b) (6), (b) (7)(C) 2022, a more precise date being unknown to the General Counsel, Respondent, by (b) (6), (b) (7)(C), via Zoom:

(1) orally promulgated, and has since maintained, an overly-broad and discriminatory directive prohibiting its employees from communicating with other employees about terms and conditions of employment by telling them to focus on their individual concerns and not the concerns of other employees;

(2) threatened its employees with unspecified reprisals for engaging in protected concerted activities by stating that their career would be better served by focusing on their individual concerns; and

(3) threatened its employees with unspecified reprisals for engaging in protected concerted activities by stating that their concerns could be remedied by making corrections to their individual characters.

(c) About (b) (6), (b) (7)(C) 2022, Respondent, by (b) (6), (b) (7)(C), via Zoom:

(1) threatened its employees with unspecified reprisals for engaging in protected concerted activities by telling employees that Respondent was not happy that employees communicated with each other about their employment-related issues;

(2) threatened its employees with unspecified reprisals for engaging in protected concerted activities by telling employees that their job description did not include communicating with other employees about work-related concerns; and

(3) orally promulgated, and has since maintained, an overly-broad and discriminatory directive prohibiting its employees from communicating with other employees about work-related concerns.

(d) About (b) (6), (b) (7)(C), 2022, Respondent, by (b) (6), (b) (7)(C):

(1) communicated to its employees that it was illegal to talk about work-related concerns during days off; and

(2) promulgated, and since then has since maintained, an overly-broad and discriminatory directive prohibiting its employees from communicating with other employees about work-related concerns during days off.

(e) About (b) (6), (b) (7)(C) 2022, Respondent, by (b) (6), (b) (7)(C) via e-mail:

(1) promulgated, and since then has since maintained, an overly-broad and discriminatory rule prohibiting its employees from distributing an employee newsletter discussing employees' terms and conditions of employment;

(2) promulgated, and since then has since maintained, an overly-broad and discriminatory rule prohibiting its employees from discussing fellow employees' job performance outside of Slack or during daily standups; and

(3) promulgated the rules described above in paragraphs 5(e)(1) and 5(e)(2) in response to employees' protected concerted activities.

(f) On or about (b) (6), (b) (7)(C), 2022, Respondent suspended its employee (b) (6), (b) (7)(C) by directing (b) (6), (b) (7)(C) to leave work.

(g) On or about (b) (6), (b) (7)(C), 2022, Respondent, by (b) (6), (b) (7)(C), via Zoom:

(1) promulgated, and since then has since maintained, an overly-broad and discriminatory rule prohibiting its employees from sharing information related to employee relations via Slack;

(2) promulgated the rule described above in paragraph 5(g)(1) in response to employees' protected concerted activities; and

(3) by communicating to employees that discussing their work-related concerns via Slack would not resolve their concerns, informed its employees that it would be futile for employees to engage in concerted activities via Slack.

(h) About (b) (6), (b) (7)(C) 2022, Respondent refused to award its employee (b) (6), (b) (7)(C) a promotion.

(i) About (b) (6), (b) (7)(C) 2022, Respondent, by (b) (6), (b) (7)(C) on a performance review, threatened its employees with unspecified reprisals if they continued to engage in concerted activities on behalf of other employees.

(j) About (b) (6), (b) (7)(C) 2022, Respondent, by (b) (6), (b) (7)(C), via email:

(1) by commenting about employees' group chats concerning terms and conditions of employment, created an impression among its employees that their concerted activities were under surveillance by Respondent;

(2) by monitoring employees' separate team meetings, engaged in surveillance of its employees engaged in concerted activities;

(3) promulgated, and since has maintained, an overly-broad and discriminatory rule prohibiting its employees from engaging in protected concerted activities via Slack;

(4) by communicating to employees that employees had no right to make demands from Respondent to seek improvements to terms and conditions of employment, informed its employees that it would be futile for them to engage in concerted activities;

(5) promulgated the rules described above in paragraph 5(j)(3) in response to employees' protected concerted activities;

(6) interrogated its employees about employees' protected concerted activities; and

(7) threatened its employees with unspecified reprisals if they engaged in protected concerted activities.

(k) About (b) (6), (b) (7)(C) 2022, Respondent, by (b) (6), (b) (7)(C) via email, threatened its employees with unspecified reprisals if they continued engaging in activities on behalf of other employees.

(l) On or about (b) (6), (b) (7)(C) 2022, Respondent discharged its employee (b) (6), (b) (7)(C).

(m) Respondent engaged in the conduct described above in paragraphs 5(f), 5(h), and 5(l) because (b) (6), (b) (7)(C) engaged in the conduct described above in paragraph 5(a), and to discourage employees from engaging in these or other concerted activities.

6. Respondent engaged in the conduct described above in paragraphs 5(f), 5(h), and 5(l) because the named employee of Respondent formed, joined, and assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

7. By the conduct described above in paragraph 5, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

8. By the conduct described above in paragraphs 5(f), 5(h), 5(l), and 6, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) and 8(a)(3) of the Act.

9. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

The General Counsel seeks an Order providing for all relief as may be just and proper to remedy the unfair labor practices alleged, including, but not limited to, requirements that Respondent:

(a) physically post and electronically distribute the Notice to Employees and an Explanation of Rights, including by internet, intranet, email, text message, posting on social media websites, and posting on internal apps, if Respondent communicates with its employees by such means;

(b) hold a meeting or meetings during work hours at Respondent's facility, scheduled to ensure the widest possible attendance, at which the Notice to Employees and Explanation of Rights will be read to employees in English (and any other languages deemed appropriate by the Regional Director) by [REDACTED] in the presence of a Board Agent and, if the

Union so desires, a representative of the Union, or, at the Respondent's option, by a Board agent in the presence of (b) (6), (b) (7)(C) and, if the Union so desires, a representative of the Union, and at which a copy of the Notice to Employees and Explanation of Rights in English (and any other languages deemed appropriate by the Regional Director) will be distributed by a Board agent to each employee in attendance before the Notice to Employees and Explanation of Rights are read; and

(c) make (b) (6), (b) (7)(C) whole, including, but not limited to, by payment for any consequential economic harm (b) (6), (b) (7)(C) suffered as a result of Respondent's unlawful conduct.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the consolidated complaint. The answer must be **received by this office on or before June 13, 2023, or postmarked on or before June 12, 2023.** Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon



(Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the consolidated complaint are true.

### **NOTICE OF HEARING**

**PLEASE TAKE NOTICE THAT on March 19, 2024**, at 9:00 a.m. (local time), at the Hearing Room of the National Labor Relations Board, 2600 North Central Avenue, Suite 1400, Phoenix, Arizona, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this consolidated complaint. The procedures to be

followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Phoenix, Arizona, this 30<sup>th</sup> day of May 2023.

/s/ *Cornele A. Overstreet*

Cornele A. Overstreet, Regional Director

Attachments

## Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: [www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules\\_and\\_regs\\_part\\_102.pdf](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf).

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at [www.nlr.gov](http://www.nlr.gov), click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

**Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement.** The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

### I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

### II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing.

If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

### III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.